

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FREDDIE STEVE GRAY,

Plaintiff,

VS.

CIV. ACT. NO. 1:23-cv-143-TFM-MU

HUNTSMAN ADVANCED

MATERIALS AMERICAS, LLC, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

On November 15, 2023, the Magistrate Judge entered a Report and Recommendation which recommends the motion to dismiss and compel arbitration (Doc. 13) be granted in part and denied in part. *See* Doc. 17. The motion be granted to the extent it seeks to compel arbitration and denied to the extent to seeks to dismiss action. *Id.* No objections were filed.

Therefore, after due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Consequently, it is **ORDERED** that the *Motion to Dismiss and Compel Arbitration* (Doc. 13, filed 6/26/23) is **GRANTED in part** and **DENIED in part** as follows:

(1) The motion is **DENIED** as to its request to dismiss the action. *See, e.g., Caley v. Gulfstream Aero. Corp.*, 428 F.3d 1359, 1369 (11th Cir. 2005) (“[T]he FAA’s enforcement sections require a court to stay a proceeding where the issue in the proceeding ‘is referable to arbitration under an *agreement in writing* for such arbitration’”) (emphasis in original); *Bender v. A.G. Edwards & Sons, Inc.*, 971 F.2d 698, 699 (11th Cir. 1992) (“The district court properly found that the state law claims were subject to arbitration, but erred in dismissing the claims rather

than staying them. Upon finding that a claim is subject to an arbitration agreement, the court should order that the action be stayed pending arbitration.”).

(2) The motion is **GRANTED** in that the Court compels arbitration and **STAYS** this action pending the outcome of arbitration.

(3) This matter is **STAYED** pending the outcome of arbitration, and the Clerk of Court is **DIRECTED** to place this matter on the administratively closed docket; and

(4) The parties are **ORDERED** to file with the Court a joint notice within seven (7) days of the completion of arbitration.

DONE and **ORDERED** this 19th day of December, 2023.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE